

AMENDED IN ASSEMBLY JANUARY 4, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 578

Introduced by Assembly Member Hill

February 16, 2011

An act to add Section ~~8690.8 to the Government~~ 960 to the *Public Utilities Code*, relating to ~~disaster assistance, and making an appropriation therefor public utilities.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 578, as amended, Hill. ~~Disaster assistance: emergencies. Public utilities: natural gas pipelines: safety.~~

Under existing law, the Public Utilities Commission has regulatory authority over public utilities. The Public Utilities Act authorizes the commission to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements, or services to be furnished, imposed, observed, and followed by specified public utilities, including gas corporations. The Natural Gas Pipeline Safety Act of 2011 designates the commission as the state authority responsible for regulating and enforcing intrastate gas pipeline transportation and pipeline facilities pursuant to federal law, including the development, submission, and administration of a state pipeline safety program certification for natural gas pipelines.

This bill would require the commission to issue orders or adopt rules to implement any safety recommendation by the federal National Transportation Safety Board (NTSB) relative to natural gas pipeline safety. This bill would require the commission to implement, as soon as is practicable, any natural gas pipeline safety recommendation as to a specific utility. It would require the commission, in a rulemaking

or other appropriate proceeding to implement any general or industrywide natural gas pipeline safety recommendation, and to implement the recommendation no later than 18 months after the recommendation has been issued by the NTSB.

If the commission determines that implementation of a safety recommendation is not appropriate, this bill would require the commission to detail the reason or reasons in writing as part of the commission's record of the proceedings.

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because this bill would require the commission to issue orders or adopt rules to implement any safety recommendation by the NTSB relative to natural gas pipeline safety and a violation of these orders or rules would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law establishes the Disaster Response-Emergency Operations Account in the Special Fund for Economic Uncertainties, and continuously appropriates moneys in the account for allocation by the Director of Finance to state agencies for qualifying disaster response operation costs for specified activities.~~

~~This bill would establish the Debris Removal Account in the Special Fund for Economic Uncertainties, and would continuously appropriate moneys in the account for allocation by the Director of Finance to the Department of Resources Recycling and Recovery for qualifying debris removal service costs incurred as a result of a proclamation by the Governor of a state of emergency.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 960 is added to the Public Utilities Code,
2 to read:

1 960. (a) *The commission shall issue orders or adopt rules to*
 2 *implement any safety recommendation by the federal National*
 3 *Transportation Safety Board (NTSB) relative to natural gas*
 4 *pipeline safety.*

5 (b) (1) *Except as provided in paragraph (2), the commission*
 6 *shall implement, as soon as is practicable, any natural gas pipeline*
 7 *safety recommendation by the NTSB as to a specific utility.*

8 (2) *The commission, in a rulemaking or other appropriate*
 9 *proceeding, shall implement any general or industrywide natural*
 10 *gas pipeline safety recommendation and shall implement that*
 11 *recommendation no later than 18 months after the recommendation*
 12 *has been made public by the NTSB.*

13 (c) *If the commission determines that implementation of a safety*
 14 *recommendation is not appropriate, the reason or reasons shall*
 15 *be detailed in writing as part of the commission's record of the*
 16 *proceedings.*

17 SEC. 2. *No reimbursement is required by this act pursuant to*
 18 *Section 6 of Article XIII B of the California Constitution because*
 19 *the only costs that may be incurred by a local agency or school*
 20 *district will be incurred because this act creates a new crime or*
 21 *infraction, eliminates a crime or infraction, or changes the penalty*
 22 *for a crime or infraction, within the meaning of Section 17556 of*
 23 *the Government Code, or changes the definition of a crime within*
 24 *the meaning of Section 6 of Article XIII B of the California*
 25 *Constitution.*

26 SECTION 1. ~~Section 8690.8 is added to the Government Code,~~
 27 ~~to read:~~

28 8690.8. ~~(a) The Debris Removal Account is hereby established~~
 29 ~~in the Special Fund for Economic Uncertainties. Notwithstanding~~
 30 ~~Section 13340, moneys in the account are continuously~~
 31 ~~appropriated, subject to the limitations specified in subdivisions~~
 32 ~~(c) and (d), without regard to fiscal years, for allocation by the~~
 33 ~~Director of Finance to the Department of Resources Recycling~~
 34 ~~and Recovery for debris removal services costs incurred as a result~~
 35 ~~of a proclamation by the Governor of a state of emergency, as~~
 36 ~~defined in subdivision (b) of Section 8558. These allocations may~~
 37 ~~be for activities that occur within 120 days after a proclamation~~
 38 ~~of emergency by the Governor. The department shall receive funds~~
 39 ~~under this section only if all of the criteria set out below are met:~~

~~(1) A proclamation by the Governor of a state of emergency, as defined in subdivision (b) of Section 8558, specifically tasks the department to render services and perform duties related to debris removal as part of an emergency recovery effort.~~

~~(2) A local emergency, as defined in subdivision (c) of Section 8558, is proclaimed by the governing body of the city, county, or city and county, or by an official so designated by ordinance adopted by the governing body to issue the proclamation.~~

~~(3) The local governing body requests the assistance of the department.~~

~~(b) The Debris Removal Account shall have an unencumbered balance of one million dollars (\$1,000,000) at the beginning of each fiscal year. If this account requires additional moneys to meet claims against the account, the Director of Finance may transfer moneys from the Special Fund for Economic Uncertainties to the account in an amount sufficient to pay the amount of the claims that exceed the unencumbered balance in the account.~~

~~(c) Funds shall be allocated from the account subject to the conditions of this section and upon notification by the Director of Finance to the Chairperson of the Joint Legislative Budget Committee and the chairpersons of the fiscal committees in each house.~~

~~(d) Notwithstanding any other law, authorizations for acquisitions, relocations, and environmental mitigations related to activities, as described in subdivision (a), shall be authorized pursuant to this section. However, these funds shall be authorized only for needs that are a direct consequence of the proclaimed emergency if failure to undertake the project may interrupt essential state services or jeopardize public health or safety. In addition, any acquisition accomplished under this subdivision shall comply with any otherwise applicable law, except as provided in the first sentence of this subdivision.~~

~~(e) Funds allocated under this section shall not be used to supplant federal funds otherwise available in the absence of state financial relief.~~

~~(f) The amount of financial assistance provided to an individual, business, or governmental entity under this section, or pursuant to any other program of state-funded disaster assistance, shall be deducted from sums received in payment of damage claims asserted by the individual, business, or governmental entity against the~~

- 1 state, its agents, or employees, for causing or contributing to the
- 2 effects of the proclaimed disaster.

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